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August 9, 1993

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20554

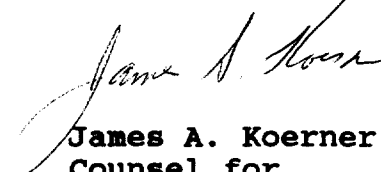
Re: MM Docket No. 93-164

Dear Mr. Caton:

On behalf of PBBC, Inc., licensee of Radio Station WXIL-FM, Parkerburg, West Virginia, there are transmitted herewith an original and four copies of its **Comments** in response to the **Notice of Proposed Rule Making** in the above-referenced proceeding involving allotment of a new FM broadcast frequency to Williamstown, West Virginia.

Should additional information be necessary in connection with this matter, please communicate with this office.

Very truly yours,


James A. Koerner
Counsel for
PBBC, INC.

Enclosures

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b))
Table of Allotments,)
FM Broadcast Stations)
(Williamstown, West Virginia))

MM Docket No. 93-164
RM 8248

TO: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

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C O M M E N T S

PBBC, Inc., licensee of Radio Station WXIL-FM, Parkersburg, West Virginia, by its attorneys, hereby submits its comments in response to the **Notice of Proposed Rule Making** in the above-captioned matter.

The Petition for Rule Making recites that Williamstown, West Virginia has a population (1990 census) of 2,774, and Wood County, in which it is located, has a population (1990 census) of 86,915. Williamstown, and Wood County, are part of the Marietta, Ohio-Parkersburg, West Virginia Metropolitan Statistical Area (MSA). The Petition acknowledges that the principal shopping area is in Vienna, West Virginia, some eight miles away, and that most of the community's residents are employed in other portions of the MSA. In short, this appears to be a "bedroom" community.

According to 1992 Arbitron information, the Metro Survey Area, which generally equates with the market for radio purposes, has a total population of only 110,400 persons over

the age of 18. This is 57,400 households. Yet, the market is already served by at least 12 radio stations, comprised of four AM stations (WADC, WKYG, WLTP, and WMOA) and eight FM stations (WDMX, WEYQ, WHCM, WNUS, WJAW, WRZZ, WXIL, and WKKX). Total retail sales for the entire market are only slightly over \$1 billion. Using traditional ratios of radio revenues as a portion of retail sales, the market cannot even support the present complement of stations.

Although Williamstown, West Virginia may be a community for FCC allotment purposes, attention must also be paid to the fact that it is only one community within a market, and that market already has numerous "voices" to serve the needs and interests of listeners, as well as to share the available revenue. Further, there is nothing unique about Williamstown. It is simply one small community in a market that is remarkably homogeneous. For example, in the entire market, 1990 Census data, updated to January 1992, indicates there are but 1200 Blacks and 400 Hispanics. Arbitron notes that 30.54% of the population in the market would be described as middle-class, child raising, blue-collar families, and 47.83% would be described as mixed gentry and blue-collar labor. There is nothing about Williamstown that sets it apart from any other part of the market or from the market as a whole. Thus, there is no identifiable need for Williamstown to have its own "voice."

Although the circumstances were somewhat different in a previous case, the Commission specifically noted the large number of services available to Williamstown in its **Report and Order (Ravenswood and Williamstown, West Virginia)**, 7 FCC Rcd. 5116 (1992). There, the Commission found that a first service to Williamstown was insufficient to offset a loss of service elsewhere notwithstanding that the population gaining service (98,548 persons) far exceeded the population which would lose service (37,207 persons). The initiation of a first service to Williamstown was not deemed sufficient to offset the cost of providing it.

Station WXIL-FM is well aware that the Commission's policy has been not to consider economic impact in connection with new FM allotments. **Policies Regarding Detrimental Effects of Proposed New Broadcast Stations on Existing Stations**, 3 FCC Rcd. 638 (1988), aff'd, 4 FCC Rcd. 2276 (1989). However, WXIL-FM submits that it is far beyond the time to modify that policy. Between the Docket 80-90 allotments and the numerous other allotments, many markets in the country, including this one, already have more radio stations than the market can support.

Chairman Quello has been quoted as saying "I never thought I'd live to see the day when 60% of radio stations are losing money." He is further quoted as observing "I don't see where the public interest would be served by allowing other people to go bankrupt."¹ The referenced article indicated the possibility

¹**Broadcasting and Cable**, August 2, 1993, page 14.

of the FCC's instituting a freeze on FM stations, although no specific details were provided. Chairman Quello is correct, however, that the unrestricted proliferation of stations means that, in certain markets, the number of stations will be such that some do go off the air (thus reducing the number of "voices" available), or that none of the stations have sufficient resources to provide news, public affairs, etc., programming which is extremely expensive. In short, a market of this size with 13 stations could well end up with 13 jukeboxes, each delivering only what satellite-delivered programming it can afford. It is time for the Commission to make a realistic appraisal of its public interest responsibilities, and to tailor its policies in order to further those responsibilities.

Accordingly, WXIL-FM urges the Commission not to adopt the proposal set forth in the **Notice of Proposed Rule Making**.

Respectfully submitted,

PBBC, INC.

By 

James A. Koerner
Its Attorney

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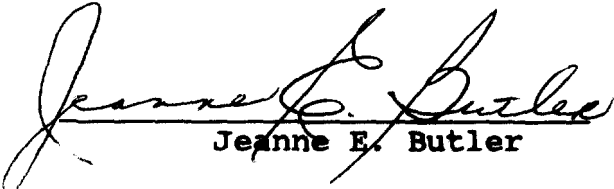
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CERTIFICATE OF SERVICE

I, Jeanne E. Butler, a secretary in the law offices of Baraff, Koerner, Olender & Hochberg, P. C., do hereby certify that copies of the foregoing "Comments" were sent this 9th day of August, 1993 via first class mail, postage prepaid to the following:

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Jeanne E. Butler